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**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

Attorney Docket No.	0191.02
First Inventor	Julie M. Tarara et al.
Title	Apparatus and Method for Measuring the Mass of Vegetation or Fruit Supported on a Trellis
Express Mail No.	

Title of Invention **Apparatus and Method for Measuring the Mass of Vegetation or Fruit Supported on a Trellis**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or

Application No. **10/635,978**, filed on **August 7, 2003**  
 as amended on \_\_\_\_\_ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

**FULL NAME OF INVENTOR(S)**

Inventor Five: <b>Gary M. Hyde</b>	Citizen of: <b>US</b>
Signature:	Date:
Inventor Six: <b>Robert L. Wample</b>	Citizen of: <b>US</b>
Signature:	Date:
Inventor Seven: <b>Andre L. Baritelle</b>	Citizen of: <b>US</b>
Signature: <i>Andre L. Baritelle</i>	Date: <i>January 5 2004</i>
Inventor Eight:	Citizen of:
Signature:	Date:

Additional inventors are being named on 1 additional form(s) attached hereto. **Pg. 2 of 2**

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450, Alexandria, VA 22313-1450

**POWER OF ATTORNEY OR  
AUTHORIZATION OF AGENT**

Application Number	10/635,978
Filing Date	August 7, 2003
First Named Inventor	Julie M. Tarara et al.
Title	Apparatus and Method for Measuring the Mass of Vegetation or Fruit Supported on a Trellis
Group Art Unit	
Examiner Name	
Attorney Docket Number	0191.02
Express Mail Number	

I hereby appoint:

Practitioners at Customer Number: **25278**

as my/our attorney(s) or agents(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above identified application to:

The above-mentioned Customer Number.

I am the:

Applicant or Inventor.

Assignee of Record of the entire interest. See 37 CFR 3.71 Statement under 37 CFR 3.73(b) is enclosed. (PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name	<b>Andre L. Baritelle</b>
Signature	
Date	<b>January 5 2004</b>

Note: Signatures of all the inventors or assignee of record of the entire interest or their respective(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 7 forms are submitted Pg. 7 of 7



Docket No. 0191.02

Serial No. 10/635,978

Statement from Inventor

Attached to Amendment to Correct Inventorship

**Certificate of Mailing by Express Mail**

Express Mail No.: EK 918713633 US

Date of Deposit: May 6, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Depositor's Name/Signature: David Nicholson

DAVID R. NICHOLSON

Appl. No.	:	10/635,978	Confirmation No. 1613
Applicant	:	Julie M. Tarara et al.	
Filed	:	August 7, 2003	
TC/A.U.	:	2855	
Examiner	:	Octavia L. Davis	
Docket No.	:	0191.02	
Customer No.	:	25278	

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FROM INVENTOR**  
**ANDRE L. BARITELLE**

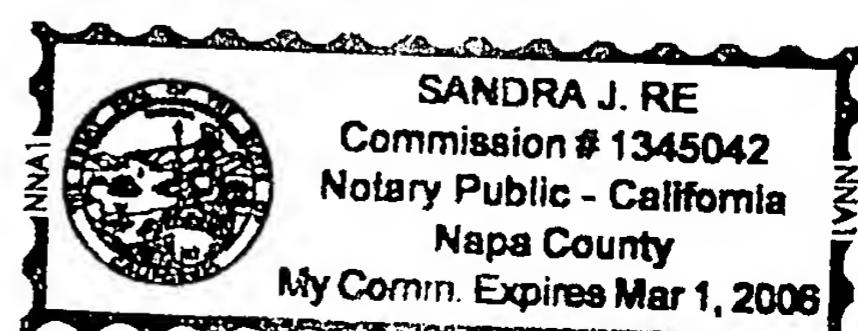
Sir:

I, Andre L. Baritelle, do hereby affirm that on my part there was no deceptive intention in the inadvertent omission of my name as an original inventor of the above-identified application. Upon examination of the above-identified application, laboratory records and communications with counsel, it was concluded that I had contributed significantly to the invention as presently claimed and was, in fact, a co-inventor.

4/23/04  
Date

Andre Baritelle  
Andre L. Baritelle

Sandra J. Re



## CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California  
County of Napa } ss.

On April 23, 2004 before me, Sandra J. Re,  
Date  
personally appeared Andre L. Baritelle,

Name and Title of Officer (e.g., "Jane Doe, Notary Public")

Name(s) of Signer(s)

personally known to me

proved to me on the basis of satisfactory  
evidence

to be the person(s) whose name(s) is/are  
subscribed to the within instrument and  
acknowledged to me that he/she/they executed  
the same in his/her/their authorized  
capacity(ies), and that by his/her/their  
signature(s) on the instrument the person(s), or  
the entity upon behalf of which the person(s)  
acted, executed the instrument.

WITNESS my hand and official seal:

Sandra J. Re  
Signature of Notary Public



### OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent  
fraudulent removal and reattachment of this form to another document.

#### Description of Attached Document

Title or Type of Document: \_\_\_\_\_

Document Date: \_\_\_\_\_ Number of Pages: \_\_\_\_\_

Signer(s) Other Than Named Above: \_\_\_\_\_

#### Capacity(ies) Claimed by Signer

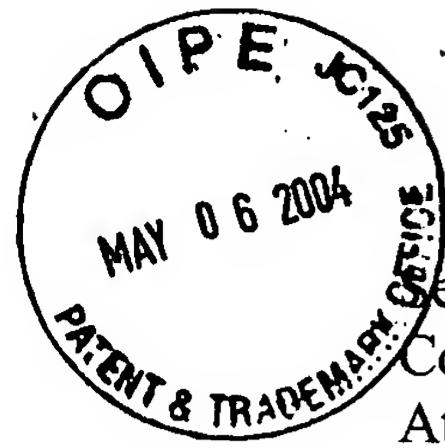
Signer's Name: \_\_\_\_\_

- Individual
- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: \_\_\_\_\_

#### RIGHT THUMBPRINT OF SIGNER

Top of thumb here

Signer Is Representing: \_\_\_\_\_



Serial No. 10/635,978

Consent of Assignee to the Addition of a Co-Inventor  
Attached to Amendment to Correct Inventorship

Certificate of Mailing by Express Mail  
Express Mail No.: EK918713633 US

Date: May 6, 2004

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: David R. Nicholson

Depositor's Signature: 

Appl. No.	:	10/635,978	Confirmation No. 1613
Applicant	:	Julie M. Tarara et al.	
Filed	:	August 7, 2003	
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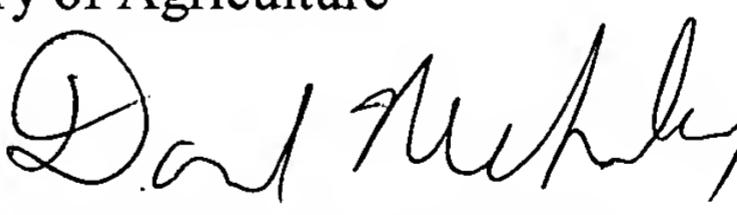
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CONSENT OF ASSIGNEE TO THE ADDITION OF A CO-INVENTOR**

The Assignee of record for the above-identified application, The United States of America, as Represented by the Secretary of Agriculture, Washington, D.C. 20250, hereby consents to the addition of Andre L. Baritelle as a co-inventor of said application.

Respectfully Submitted,  
The United States of America, as represented by the  
Secretary of Agriculture

By

  
DAVID R. NICHOLSON  
Attorney of Record  
Registration No. 38,981

Enclosures

Relevant CFR sections

Memo from the Administrator to the Assistant Administrator

Memo from the Assistant Administrator delegating signing authority to the Attorney of Record/Patent Advisors to sign on behalf of the Assignee.

**Source of David R. Nicholson's authority to sign on behalf of USDA**

1. At 7 CFR 2.106(a)(58), the Assistant Secretary for Research and Education, USDA, delegated to the Administrator of the Agricultural Research Service the authority to administer the USDA's Patent Program except as delegated to the General Counsel in 7 CFR 2.31(g).
2. On March 31, 1988, the ARS Administrator delegated to the Assistant Administrator (for Technology Transfer), ARS the authority to manage a Patent Program for ARS.
3. On October 27, 2003, the Assistant Administrator, ARS, delegated to David R. Nicholson authority to grant Power of Attorney, on behalf of the Secretary of Agriculture, in U.S., international, and other patent applications.

The relevant CFR sections, the memo from the Administrator to the Assistant Administrator, and the memo from the Assistant Administrator delegating authority to the Patent Advisors (David R. Nicholson) are attached.



7 CFR 2.106 printed in FULL format.

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\*\*\* THIS SECTION IS CURRENT THROUGH THE 6/19/95 ISSUE OF \*\*\*  
\*\*\* THE FEDERAL REGISTER \*\*\*

TITLE 7 -- AGRICULTURE

SUBTITLE A -- OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2 -- DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND  
GENERAL OFFICERS OF THE DEPARTMENT

SUBPART N -- DELEGATIONS OF AUTHORITY BY THE ASSISTANT SECRETARY FOR  
SCIENCE  
AND EDUCATION

7 CFR 2.106

**§ 2.106 Administrator, Agricultural Research Service.**

(a) **Delegations.** Pursuant to § 2.30 (a), (c), and (g), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Agricultural Research Service:

(1) Coordinate USDA policy relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136-136y).

(2) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178-178n).

(3) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).

(4) Conduct research concerning domestic animals and poultry, their protection and use, the causes of contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(5) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(6) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421-422).

(7) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(8) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than

Operations, and the General Counsel prior to issuance.

(58) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(59) Provide management support services for the National Agricultural Library as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes budget, finance, personnel, procurement, property management, communications, paperwork management, ADP support, and related administrative services.

(60) With respect to land and facilities under the Administrator's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 comp., p. 193) under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 et. seq.):

(i) Section 104 (a), (b), and (c)(4) of the Act (42 U.S.C. 9604 (a), (b), and (c) (4)), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(ii) Section 104 (e) through (h) of the Act (42 U.S.C. 9604(e)-(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(v) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f) pertaining to the annual report to Congress.

(vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action.

7 CFR 2.31 printed in FULL format.

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\*\*\* THIS SECTION IS CURRENT THROUGH THE 6/19/95 ISSUE OF \*\*\*  
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GENERAL OFFICERS OF THE DEPARTMENT

SUBPART D -- DELEGATIONS OF AUTHORITY TO OTHER GENERAL OFFICERS AND  
AGENCY  
HEADS

7 CFR 2.31

§ 2.31 Delegation of authority to the General Counsel.

The General Counsel, as the chief law officer of the Department, is legal adviser to the Secretary and other officials of the Department and responsible for providing legal services for all the activities of the Department. The delegations of authority by the Secretary of Agriculture to the General Counsel include the following:

(a) Consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended, (28 U.S.C. 2671-2680), and the regulations of the Attorney General contained in 28 CFR part 14.

(b) Determine, settle, and pay claims submitted by employees of the Department under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721).

(c) Certify documents as true copies of those on file in the Department.

(d) Sign releases of claims of the United States against private persons for damage to or destruction of property of the department, except those claims cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(e) [Reserved]

(f) Responsible for the overall management and operation of the Law Library, furnishing complete legal and legislative library services to the Office of the General Counsel and the Department.

(g) Make determinations as to whether employees of the Department may retain commercial rights in inventions; prepare patent applications and prosecute the same before the Patent Office.

(h) Represent the Department in formal rulemaking and adjudicatory proceedings held in connection with the administration of the Department's activities, and decide whether initial decisions of the administrative law judges shall be appealed by the Department to the Secretary.



United States  
Department of  
Agriculture

Agricultural  
Research  
Service

Office of the  
Administrator

Washington, D.C.  
20250

MAR 31 1988

SUBJECT: Delegation of Authority to Manage the  
Patent Program and to Administer the  
USDA Patent License Program

TO: W. H. Tallent  
Assistant Administrator, ARS

FROM: T. B. Kinney, Jr.  
Administrator

*T.B. Kinney*

Pursuant to the delegations of authorities and reservations of authorities issued by the Assistant Secretary for Science and Education to the Administrator, ARS, DR 1030-1, Section 2.106(a)(44), the addressee is hereby delegated authority to manage a Patent Program for ARS and to administer a Patent License Program for the Department.

This delegation includes the responsibility for acquisition, promotion, and licensing of Department patents; authority for the custody transfer of domestic and foreign patent rights for the purpose of granting foreign and/or exclusive licenses; and authority to make final determination on ARS patent title.

Nothing in this delegation precludes the Administrator from exercising any of the authorities herein delegated, and this delegation is subject at all times to withdrawal or amendment.

cc:

M. H. Silverstein, OGC ✓  
M. A. Whitehead, ARS

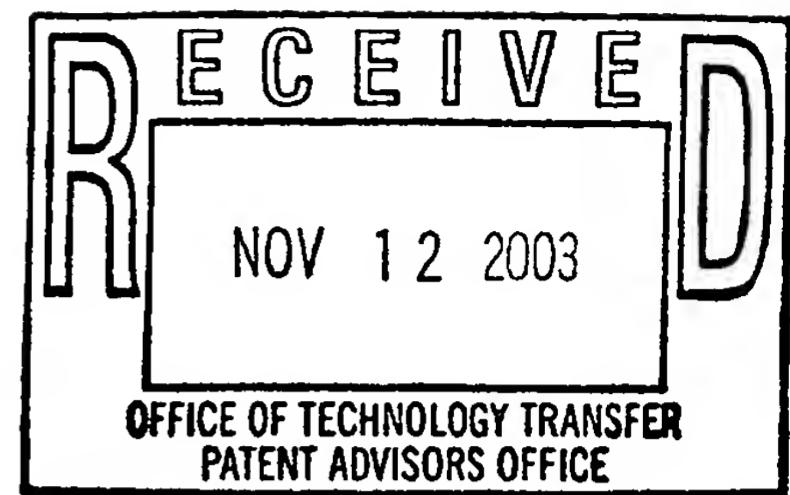
*DAS*  
Agricultural  
Research  
Service



United States Department of Agriculture

Research, Education, and Economics  
Agricultural Research Service

October 27, 2003



To Whom it May Concern:

This letter is to confirm that the following Patent Advisors have been authorized to sign Powers of Attorney regarding U.S., international and other patent applications on behalf of the United States of America, as represented by the Secretary of Agriculture.

Curtis P. Ribando, Reg. No. 27,976  
Margaret A. Connor, Reg. No. 30,043  
Randall E. Deck, Reg. No. 34,078  
Joseph A. Lipovsky, Reg. No. 34,526  
Janelle S. Graeter, Reg. No. 35,024  
Gail E. Poulos, Reg. No. 36,326  
Evelyn M. Rabin, Reg. No. 44,480  
G. Byron Stover, Reg. No. 34,737  
David R. Nicholson, Reg. No. 38,981

Sincerely,

MICHAEL D. RUFF  
Assistant Administrator

ds